



City Manager's Office
City of Frisco, Texas

Memorandum

To: Honorable Mayor Maso and Members of the Frisco City Council

Cc: George A. Purefoy, City Manager

From: Henry J. Hill, Deputy City Manager

Date: November 11, 2009

RE: Receive the Report of the Findings and Recommendations of the Charter Review Commission.

Action Requested: This item is to formally receive the report of the findings and recommendations of the Charter Review Commission.

Background Information: The Charter Review Commission was appointed by Council in accordance with the Charter in June 2009. The Commission was comprised of ten members including: Will Sowell (Chairman), Jim Joyner (Vice Chairman), Richard Abernethy, David Buck, Mark Dunton, Jerry Holder, Doug Mousel, Tim Nelson, June Taylor, and William Woodard.

The Commission has diligently worked since June as required by Charter Section 11-07 to make inquiry into the operation of the City government under the Charter and determine whether any provisions require revision, and to propose any recommendations it deems desirable to insure compliance with the Charter of the City government. It is now ready to fulfill its final responsibility by making a report to Council on its findings and present its recommendations.

The review effort undertaken by the Commission has been comprehensive. The Commission reviewed the Charter item by item; considered Council/Staff suggested revisions. The Commission sought public input through a variety of means including information on the City's web page, setting up an e-mail address to receive comment, providing a news release and issuing updates on its progress, and receiving citizen input at the Commission meetings. The Commission discussed at length questions and issues raised by its own members. Further, the Commission examined other City Charters, Texas Law,

City Ordinances, Federal Law and Cases, information from the Texas Municipal League, and the work of the prior Frisco Charter Commissions. Finally, the Commission also met with Council in workshop sessions on two occasions to review and discuss the Commission's progress and to consider Council suggested issues.

Included in the agenda package is a redline version of the Charter containing the various recommended changes. These changes are as follows:

1) Governance

Council Places – Clarifying which Council places are up in what year and to remove language which is no longer necessary. (SECTION 3.01)

Term Limits – Expand to 3 three-year terms to address issues of continuity and ability for City to be more effective on statewide basis. Similar increase for Mayoral terms. Total of 18 years service. Also increasing ineligibility period - 10 months changed to 1 full term. (SECTION 3.02)

Quorum/Voting - Revised to comply with current practice and state law and to address when certain percentage of votes is required. (SECTION 3.10)

Elections – Changed to 2nd Saturday in May to comply with Texas Law. (SECTION 5.01)

Filing for Office – Reducing minimum to 18 years of age (as allowed in Texas Law) and clarify which 12 month residency period is applicable. (SECTION 5.02)

Petitions for Recall/Initiatives - Clarify petition signature requirements by qualified voters, designating the percentage of required signatures be at least thirty (30) percent of the number of votes cast at the last regular mayoral election, and specifying that the requirements for information on each signer of the petition be as set forth in the Texas Election Code; and making the requirements for initiative petitions the same as in recall elections. (SECTION 6.02) (SECTION 6.13)

Planning and Zoning – Clarifying the qualifications and structure of the Planning and Zoning Commission and providing that the City Council may adopt by ordinance the procedures for appointment of members, length of member terms, meetings, and other operational matters of the Planning and Zoning Commission. Also, clarifying quorum determination, timing on procedures, and approval on Comprehensive Plan capital improvements element. (SECTION 9.01) (SECTION 9.03) (SECTION 9.04)

Prohibition on Sale of Alcohol in Residential Districts – Added because required by Texas law to be in Charter if sales of liquor are to be prohibited in residential zoning districts. (SECTION 9.06)

Transitional Provision - Removing an unnecessary and overbroad transitional provision from original adoption of Charter. (SECTION 13.04)

2) Governmental Structure

City Secretary - Placing the City Secretary under the direct supervision of City Manager similar to the other Department Directors of the City. (SECTION 3.07) (SECTION 4.02)

3) Ethics and Political Activity

Employee Gift Procedure - Requirement that Personnel Rules be adopted by Council to establish procedures regarding the giving and receiving of gifts by City employees. (SECTION 4.06)

Political Activities – Clarification of restrictions on employees. (SECTION 14.05)

Gifts Provisions – Changes as initially recommended by Council to Commission (with exception of how employees would be addressed). (SECTION 14.09)

Following the Commission's report to the City Council, you will have the opportunity to review and revise as Council finds desirable and then place the matters for vote by the citizens of Frisco. The Charter's specific requirements in this regard are from Section 11.07 (2) of the Charter:

"The City Council shall receive and have published in the official newspaper of the City a comprehensive summary of the report presented by the Commission, shall consider any recommendations made, and may order any amendments suggested to be submitted to the voters of the City in the manner provided by state law as now written or hereafter amended."

A time line for the period leading to the May election includes review by Council and determination of the items to be placed on the ballot by February, composition of the ballot language in March, and placement of the notice of election in April.

Charter Commission Chairman Will Sowell will be present at the Council Meeting and will make the presentation for the Commission.

Board Review/Citizen Input: The Charter Commission has held regular public meetings since June and has sought citizen input by a variety of means.

Legal Review: The proposed revisions were prepared by the City Attorney's Office

Supporting Documents: Redline version of Charter showing the recommended revisions.

Staff Recommendation: Recommend Council receive the report of the Commission's findings and recommendations and direct staff to have published in the official newspaper of the City a comprehensive summary of the report.